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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

JENNIFER LYNN BENN  
Creditor/Petitioner

v.

Case No. 18-23538; 18-23555

**MOTION OF RELIEF FROM POSITION  
OF AUTOMATIC STAY AND NOTICE OF  
PERFECTION**

SEARS HOLDING CORPORATION, *et al*

Defendant.

**MOTION OF RELIEF FROM POSITION OF AUTOMATIC STAY AND NOTICE OF PERFECTION**

I, JENNIFER L. BENN, a Plaintiff [OR CCB File No: 113202-117; Case No. 18sc19741], was notified on October 20, 2018 of a Notice of Bankruptcy filing by Sears Holdings Corporation and its debtor affiliates date October 15, 2018 with the United States Bankruptcy Court for the Southern District of New York. The notification of the bankruptcy petition additionally pursued an Imposition of Automatic Stay. Sears Holdings Corporation and its affiliates in pursuant to 11 U.S.C. §362(a)(1), (3), asserting a statutory right to seek relief.

I, Jennifer L. Benn, am filing a Motion for Relief from Imposition of Automatic Stay under Bankruptcy Code 11 U.S.C. § 362(d), supported by the following Memorandum of Points:

1. A governmental entity, pursuant to 11 U.S.C. §1334, Oregon Construction Contractor's Board (OCCB) Complaint File No. 113202-117 is a pre-petitioned claim on or about January 30, 2018, arising prior to the commencement of foresaid bankruptcy case.
2. According to the OCCB, OAR 812-004-1250, one of the laws governing dispute resolution processes states: "The agency's determination of payment due from a surety bond may not include amounts arising out of claims for anything other than construction work involving negligence, improper work, or breach of contract."
3. Under regulations of the OCCB Dispute Analyst, Jeremy Guenther, to retain access to Sears Home Improvement Products, Inc. surety bond required the complaint *in situ* to be filed with the small claim court in the County of Douglas, State of Oregon Case No. 18-19741.

FOR THE SOONER THE BIGGEST GROWTH MARKET IN THE INDUSTRY IS GOING TO BE NEW YORK.

2020.01.20 00:00:00

## WOMEN'S WORKS IN ENGLISH LITERATURE

## ANNUAL REPORT

Volume 19(2)

WILHELMUS BOERHAAVE, THEATRUM BOTANICUM, 1730, VOL. 1, PL. 10, FIG. 1

As a result, the *liver* is the primary target of the toxic effects of *As* in humans.

Home price fell 1.6% in November on lower demand from out-of-towners. Incomes grew 0.2%.

18591-1

1           4. The OCCB Complaint Case No.113202-117, with the proceeding Small Claim Case No.18-19741  
2           are the sole liability of Surety Claim, Bond No. 29S119189 in the amount of \$20,000 registered  
3           with SafeCo Insurance Company, at location: 10010 Fourth Avenue, Suite 1300 in Seattle,  
4           Washington.

5           5. Disputes deriving from the Surety Bond are considered non-estate property of the 11 U.S.C. §  
6           362(d), compensation from SafeCo Insurance Company held are to guarantee work performance,  
7           materials, or lack therein, by Sears Home Improvement Products, Inc. contract(s).

8           6. Obligations for settlement of OCCB Complaint Case No.113202-117, and Small Claim Case  
9           No.18-19741 are deemed as non-estate with priority, pursuant 11 U.S.C. § 507(a)(3){502(e)(2) and  
10           502(f). Nos. 18-23555 and 18-23538, are not subject the automatic stay, and enforceable  
11           irrespective of Bankruptcy Case hereto.

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15           DATED this 21 day of March, 2019.

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17           \_\_\_\_\_  
18           Signature  
19

JENNIFER L. BENN

191 NE ROSE AVENUE

MYRTLE CREEK, OREGON 97457

TELEPHONE: 541.580.5404

FASCIMILE: 541.863.6842

EMAIL: [bennj@eou.edu](mailto:bennj@eou.edu)

IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

Case No. 18-23538; 18-23555

**JENNIFER L. BENN**

Creditor/Petitioner

v.

**AFFIRMATION OF SERVICE  
BY CERTIFIED MAILING**

**Sear's Home Improvement Products, Inc.**

Defendant/Respondent

I am a Creditor/Petitioner in this case.

On 25th of March, 2019, I served a true copy of **MOTION FOR RELIEF FROM POSITION OF AUTOMATIC STAY** and **NOTICE OF PERFECTION** by depositing a properly addressed by First-class mailing into the custodial delivery of the United States Postal Service to the legal representatives relating to the defendant(s) **Sears Holdings Corporation, et al.** at the following location:

Weil, Gotshal & Manges, LLP.  
767 Fifth Avenue  
New York, New York 10153  
Telephone: (212)310-8000  
Fascimile: (212)310-8007

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**Certificate of Document Preparation.** Check all that apply:

I chose this form for myself and completed it without paid help.

A legal help organization helped me choose or complete this form, but I did not pay money to anyone.

I paid (or will pay) \_\_\_\_\_ for help choosing, completing, or reviewing this form.

**I hereby declare that the above statements are true to the best of my knowledge and belief, and that I understand they are made for use as evidence in court and I am subject to penalty for perjury.**

March 25, 2019  
Date

Signature

JENNIFER L. BENN  
191 NE ROSE AVENUE  
MYRTLE CREEK, OREGON 97457

THE STATE OF NEW YORK  
IN THE UNITED STATES DISTRICT COURT FOR THE

SOUTHERN DISTRICT OF NEW YORK

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